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7 Attorney for Enrique Ayon

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00237-JCM-NJK-1

11 Plaintiff,

**STIPULATION ADMITTING TO  
VIOLATIONS AND PROPOSING  
RESOLUTION**

12 v.

13 ENRIQUE AYON,

14 Defendant.

15  
16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,  
17 United States Attorney, and Steven J. Rose, Assistant United States Attorney, counsel for the  
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Navid Afshar,  
19 Assistant Federal Public Defender, counsel for Enrique Ayon, regarding the Revocation of  
20 Supervised Release held on January 3, 2024.

21 This Stipulation is as follows:

22 1. The parties previously agreed that Mr. Ayon would admit to violations 1-4  
23 contained in ECF No. 49.

24 2. The parties previously contemplated Mr. Ayon would remain on his current  
25 term of supervised release without revocation.

1       3. However, in order to comply with 18 U.S.C. § 3583 (g), the parties modified  
2       the prior agreement regarding supervised release, agreeing instead to the  
3       following jointly recommended resolution:

4       a. Mr. Ayon's term of supervised release shall be revoked, and he will be  
5       sentenced to a period of time served, to be followed by twelve (12) months  
6       of supervised release.

7       b. Mr. Ayon's supervised release shall contain the following special  
8       conditions:

9           i. Search and Seizure – You must submit your person, property,  
10           house, residence, vehicle, papers, computers (as defined in 18  
11           U.S.C. § 1030(e)(1)), other electronic communications or data  
12           storage devices or media, or office, to a search conducted by a  
13           United States Probation Officer. Failure to submit to a search may  
14           be grounds for revocation of release. You must warn any other  
15           occupants that the premises may be subject to searches pursuant to  
16           this condition.  
17           The probation officer may conduct a search under this condition  
18           only when reasonable suspicion exists that you have that you have  
19           violated a condition of supervision and that the areas to be  
20           searched contain evidence of this violation. Any search must be  
21           conducted at a reasonable time and in a reasonable manner.  
22           ii. Substance Abuse Treatment – You must participate in an  
23           outpatient substance abuse treatment program and/or cognitive  
24           behavioral treatment and follow the rules and regulations of that  
25           program. The probation officer will supervise your participation in

1 the program (provider, location, modality, duration, intensity, etc.).

2 You must pay the costs of the program.

3 iii. Drug Testing – You must submit to substance abuse testing to  
4 determine if you have used a prohibited substance. Testing shall  
5 not exceed 104 tests per year. You must pay the costs of the  
6 testing. You must not attempt to obstruct or tamper with the testing  
7 methods.

8 iv. No Alcohol – You must not use or possess alcohol.

9 v. Mental Health Treatment - You shall participate in and  
10 successfully complete a mental health treatment program, which  
11 may include testing, evaluation, and/or outpatient counseling, as  
12 approved and directed by the probation office. You shall refrain  
13 from the use and possession of beer, wine, liquor, and other forms  
14 of intoxicants while participating in mental health treatment.  
15 Further, you shall be required to contribute to the costs of services  
16 for such treatment, as approved and directed by the probation  
17 office based upon your ability to pay.

18 vi. No Contact Condition - You shall not have contact, directly or  
19 indirectly, associate with, or be within 500 feet of members of the  
20 South Siders Street Gang, their residence or business, and if  
21 confronted by any members of the South Siders Street Gang in a  
22 public place, you shall immediately remove yourself from the area.

23 vii. Community Service – You shall complete 20 hours of community  
24 service within one (1) year of the date of this Order.

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2       4. The parties agree that this proposed resolution fairly achieves the stated  
3       resolution outlined in ECF No. 65.

4       DATED this 3rd day of January, 2024.  
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6       RENE L. VALLADARES  
7       Federal Public Defender

8       *By /s/ Navid Afshar*  
9       NAVID AFSHAR  
10      Assistant Federal Public Defender

11      JASON M. FRIERSON  
12      United States Attorney

13      *by /s/ Steven J. Rose*  
14      STEVEN J. ROSE  
15      Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ENRIQUE AYON,  
Defendant.

Case No. 2:16-cr-00237-JCM-NJK-1

## **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER**

## **Findings of Fact and Conclusions of Law**

1. On January 3, 2024, Enrique Ayon was present with counsel before the Court for a hearing on the revocation of his term of supervised release pursuant to a Petition filed by the United States Probation Office. ECF No. 49.
2. At the hearing on January 3, 2024, Mr. Ayon informed the Court that he wished to waive his right to a hearing and admit to the violations contained in ECF No. 49.
3. After a colloquy regarding his rights, Mr. Ayon waived his hearing and admitted to the violations.
4. Based upon Mr. Ayon's statements, the representations by his Counsel, and my own observations, I accept Mr. Ayon's waiver of his right to a hearing and his admissions to violations 1-4 contained in ECF No. 49.
5. Accordingly, I find by a preponderance of the evidence that Mr. Ayon has violated the terms of his supervised release. *See* 18 U.S.C. § 3583 (e)(3).
6. Because one of the violations to which Mr. Ayon admitted was possession of a controlled substance, pursuant to 18 U.S.C. § 3583 (g), revocation is mandatory.

7. The Court has received the proposed resolution suggested by the government, the defense, and the United States Probation office, and although it is not bound by that recommendation, finds it to be appropriate.

IT IS THEREFORE ORDERED that Mr. Ayon's term of supervised release is hereby revoked. Mr. Ayon is sentenced as follows:

1. To a period of time served, recognizing that Mr. Ayon was in custody on June 16, 2023, pursuant to a warrant issued by this Court.
2. A term of twelve (12) months of supervised release to begin on January 4, 2024.
3. In addition to the mandatory and standard conditions, the following special conditions are imposed:

- a. Search and Seizure – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

b. Substance Abuse Treatment – You must participate in an outpatient substance abuse treatment program and/or cognitive behavioral treatment and follow the rules and regulations of that program. The probation officer

1 will supervise your participation in the program (provider, location,  
2 modality, duration, intensity, etc.). You must pay the costs of the program.  
3 c. Drug Testing – You must submit to substance abuse testing to determine if  
4 you have used a prohibited substance. Testing shall not exceed 104 tests  
5 per year. You must pay the costs of the testing. You must not attempt to  
6 obstruct or tamper with the testing methods.  
7 d. No Alcohol – You must not use or possess alcohol.  
8 e. Mental Health Treatment - You shall participate in and successfully  
9 complete a mental health treatment program, which may include testing,  
10 evaluation, and/or outpatient counseling, as approved and directed by the  
11 probation office. You shall refrain from the use and possession of beer,  
12 wine, liquor, and other forms of intoxicants while participating in mental  
13 health treatment. Further, you shall be required to contribute to the costs of  
14 services for such treatment, as approved and directed by the probation  
15 office based upon your ability to pay.  
16 f. No Contact Condition - You shall not have contact, directly or indirectly,  
17 associate with, or be within 500 feet of members of the South Siders Street  
18 Gang, their residence or business, and if confronted by any members of the  
19 South Siders Street Gang in a public place, you shall immediately remove  
20 yourself from the area.

1                   g. Community Service – You shall complete 20 hours of community service  
2                   within one (1) year of the date of this Order.

3                   DATED January 5, 2024.

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5                   James C. Mahan  
6                   UNITED STATES DISTRICT JUDGE

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